

Appln. No. 10/092,477
Amdt. Dated December 11, 2003
Reply to Office Action of September 12, 2003

REMARKS

Applicant has carefully reviewed the Examiner's September 12, 2003, Official Action and respectfully requests reconsideration based on the above amendments and the following comments.

Claim 6 has been cancelled. Claims 1-5 and 9-14 remain in the application for consideration.

In response to the Examiner's rejection of claim 6 under 35 U.S.C. § 112, first paragraph, Applicant has canceled claim 6. Applicant submits that this rejection has now been overcome.

The Examiner has further rejected claims 1-6 and 9-14 under 35 U.S.C. 103(a) as being unpatentable over Griffith in view of Applicant's application and claims 1-6 and 9-14 under 35 U.S.C. 103(a) as being unpatentable over Griffith in view of either Pichno or Mellea et al. Applicant respectfully traverses these rejections for the following reasons.

The Examiner continues to reject the claims as being unpatentable over Griffith in view of Applicant's

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application. Applicant continues to traverse this rejection on the same basis as stated in its May 12, 2003 response which Applicant incorporates by reference herein and additionally based on the following comments.

The known material disclosed by the Applicant is widely used in medical fields or in fields of sealing. The "RHODORSILTM" is in the form of a silicone rubber compound.

Thus, with such fields of uses and with such material's form and consistency, it is not obvious for the man skilled in the art to obtain an elastic tensioning cable. It is not obvious to modify the cables of Griffith to use new material which presents the structure of a polymer without any hard and definitive shape.

Moreover, it is not obvious to modify Griffith's material of the cable by using a new silicone which presents only properties of chemical and biological inertness.

With regard to the rejection of the claims on the basis of Griffith in view of either Richno or Mellea, Applicant first notes that Mellea is not prior art under 35 U.S.C. 103(a) as both its filing and publication dates, i.e. March 29, 2001 and December 6, 2001 are after the filing date of the March 8, 2001, filing date of French patent

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application 0103175 from which Applicant claims priority. Accordingly, the rejection of claims 1-6 and 9-14 on the basis of Griffith in view of Mellea is not supportable. Applicant respectfully requests its withdrawal.

Further, Mellea discloses only the user of silicone elastomer for treating a fabric in order to reduce the drying times. The treatment consists in applying to the fabric a formaldehyde compound together with the silicone elastomer in an aqueous solution. Applicant submits that a silicone elastomer with a given solubility is not useful for making cables.

With Richno, Applicant notes that despite the fact that Richno discloses the use of silicone rubber bands, this material is not used as in the claimed application. The rotation of the rubber bands on themselves confers a potential energy to be restituted once the rotation is finished. The Richno elastomer material undergoes twisting, coiling and knotting from its initial to its full energy condition.

The claimed tensioning cable is used as bungee cords. The cable is used only with a longitudinal traction and the tension should not decreased, contrary to Richno. The cable of the claimed application presents a calibrated

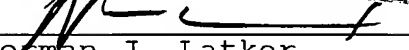
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length together with a calibrated elasticity. There is a long-lasting lengthening. The tension remains constant for many years.

Applicant submits that the invention is new and unobvious and not disclosed by the cited art. Accordingly, Applicant respectfully solicits the Examiner's early review and issuance of this application.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Norman J. Latker
Registration No. 19,963

NJL:ft
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\L\Laur\Bezault1\PTO\Amd 11Nov.03.doc